



COMMONWEALTH of VIRGINIA

Dianne L. Reynolds-Cane, M.D.
Director

Department of Health Professions

Perimeter Center
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January 18, 2012

Carlos A. Howard, F.S.P.
Carlos A. Howard Funeral Home
436 West 35th Street
Norfolk, VA 23508

CERTIFIED MAIL
7160 3901 9845 1840 1997

RE: Notices of Formal Hearing
License # 0502-780010 – Case # 140985, 133555, 134613, & 140424
License #0501-000601 – Case #140992

Dear Mr. Howard:

On December 19, 2011, the Virginia Board of Funeral Directors and Embalmers ("Board") received investigative information indicating that you and the Carlos A. Howard Funeral Home may have violated certain sections of the Code of Virginia (1950), as amended. Based on the evidence considered, having determined that you pose a substantial danger to the public health and safety, the Board voted to summarily suspend your license to provide funeral services in the Commonwealth of Virginia pending a hearing. Effective immediately, it shall be unlawful for you to serve as a funeral service provider or hold yourself out as a funeral service provider in the Commonwealth of Virginia. In addition, the Board voted to summarily suspend the license of the Carlos A. Howard Funeral Home for the reasons stated above. It shall be unlawful for the Carlos A. Howard Funeral Home to operate or hold itself out as a funeral service facility.

Enclosed are Notices of Hearing and Statements of Particulars. The hearing will be held before the Virginia Board of Funeral Directors and Embalmers ("Board") on **March 8, 2012, at 12:00 p.m.** at the offices of the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Suite 201, Henrico, Virginia.

You have the following rights, among others: to be represented by legal counsel, to have witnesses subpoenaed on your behalf, to present documentary evidence and to cross-examine adverse witnesses. Should you wish to subpoena witnesses, requests for subpoenas must be made in writing in accordance with the enclosed Instructions for Requesting Subpoenas.

You have the right to information on which the Board will rely in making its decision. Prior to the hearing, it is the Board's intention to distribute the enclosed documents to the members of the Board who will conduct the hearing. **These documents are enclosed only with the original notice sent by certified mail, which you may be required to claim at the post office.** If you have any objections to the materials, please

Board of Audiology & Speech-Language Pathology – Board of Counseling – Board of Dentistry – Board of Funeral Directors & Embalmers
Board of Long-Term Care Administrators – Board of Medicine – Board of Nursing – Board of Optometry – Board of Pharmacy
Board of Physical Therapy – Board of Psychology – Board of Social Work – Board of Veterinary Medicine
Board of Health Professions

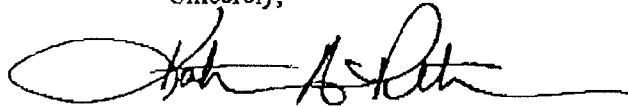
Carlos A. Howard, F.S.P.
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notify the Virginia Board of Funeral Directors and Embalmers in writing, at 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, before **February 23, 2012**. A copy of any written objections must also be sent to Peter Oppen, Adjudication Specialist, Administrative Proceedings Division, at the same address and to James Schliessmann, Assistant Attorney General, 900 East Main Street, Richmond, Virginia 23219. If you do not object to this proposed distribution before **February 23, 2012**, the Board will assume that you have no objection to the Board members' prior review of the documents. Failure to object to the distribution prior to the hearing will not affect your right to contest any information contained in these documents at the hearing.

Further, to facilitate this hearing, the Board requests that you provide to Peter Oppen, Adjudication Specialist, Administrative Proceedings Division, Department of Health Professions, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, 18 copies of any documents you intend to introduce into evidence at least ten (10) business days before the hearing.

Please advise us whether you plan to be present for the hearing no later than **February 23, 2012**.

Sincerely,



for Lisa R. Hahn, Executive Director
Board of Funeral Directors and Embalmers

Enclosures

cc: Members of the Board of Funeral Directors and Embalmers
James L. Banning, Director, Administrative Proceedings Division
James Schliessmann, Assistant Attorney General
Peter Oppen, Adjudication Specialist
Anthony J. Sellers, Investigator, Division of Enforcement
Karen Schaller, Investigator, Division of Enforcement

VIRGINIA:**BEFORE THE BOARD OF FUNERAL DIRECTORS AND EMBALMERS**

IN RE: CARLOS A. HOWARD FUNERAL HOME
License No.: 0501-000601
Case Nos.: 140992

NOTICE OF HEARING

Pursuant to §§ 2.2-4020, 2.2-4024(F), and 54.1-2400(11) of the Code of Virginia (1950), as amended ("Code"), Carlos A. Howard Funeral Home, which, prior to its summary suspension by the Board of Funeral Directors and Embalmers on January 17, 2012, held License No. 0501-000601 to provide funeral services in Virginia, is hereby given notice that a formal administrative hearing will be held in the presence of a panel or quorum of the Virginia Board of Funeral Directors and Embalmers. The hearing will be held on **March 8, 2012, at 12:00 p.m.**, at the offices of the Department of Health Professions, Virginia Board of Funeral Directors and Embalmers, Perimeter Center, 9960 Mayland Drive, Suite 201, Henrico, Virginia 23233, at which time Carlos A. Howard, F.S.P., as owner and manager of record of the Carlos A. Howard Funeral Home, will be afforded the opportunity to be heard in person or by counsel.

At the hearing, the Carlos A. Howard Funeral Home has the following rights, among others: the right to representation by counsel; the right to have witnesses subpoenaed and to present witnesses on its behalf; the right to present documentary evidence; and the right to cross-examine adverse witnesses. If Mr. Howard desires any witnesses to appear on the facility's behalf, he must notify the Director of Administrative Proceedings, Department of Health Professions, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in accordance with the Instructions for Requesting Subpoenas.

The purpose of the hearing is to inquire into evidence that Carlos A. Howard Funeral Home may have violated certain laws and regulations governing the practice of funeral service in Virginia, as more fully set forth in the Statement of Particulars below.

Notice of Formal Hearing – Carlos A. Howard Funeral Home
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STATEMENT OF PARTICULARS

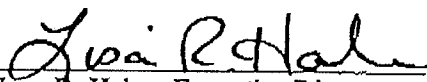
The Board alleges that:

1. The Carlos A. Howard Funeral Home, Norfolk, Virginia, on or about July 13-15, 2011, may have violated §§ 54.1-2806(2), (20) and (26) and 54.1-2811.1 of the Code, and 18 VAC 65-20-500(6) and (9) of the Regulations of the Virginia Board of Funeral Service Directors and Embalmers (Regulations") in that its owner and manager of record Carlos A. Howard, F.S.P., transferred the remains of the deceased, Client A, to the Nix & Nix Funeral Homes, Philadelphia, Pennsylvania, in poor condition and/or improperly labeled:

a. The body, although embalmed, arrived in Philadelphia with unsightly bullet marks on its face making restorative work necessary before the body could be viewed. The decedent's scalp had to be re-sewn and the two bullet marks to the head had to be filled. The body was also leaking embalming fluid.

b. A box containing the viscera of the deceased was given to the staff of Nix & Nix Funeral Homes, Philadelphia, with instructions that the box be delivered to the family, implying that the box contained personal effects, when, in fact, the box contained the intestines and other organs of the deceased.

FOR THE BOARD



Lisa R. Hahn, Executive Director
Virginia Board of Funeral Directors and Embalmers

ENTERED: 1/18/12